

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7070 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA for Petitioner

MR VB GHARANIA for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/08/1999

ORAL JUDGEMENT

1. In view of the fact that this petition deserves to be allowed only on the short ground, I do not consider it to be necessary to give facts in detail pertaining to this matter as well as to deal with all the contentions raised by the learned counsel for the parties.
2. The petitioner was ordered to be removed from the services on the ground that on the basis of a forged

document he got his recorded date of birth in his service record corrected. The Inquiry Officer recorded a finding on charge No.1 in favour of the petitioner, that is, the case of the Department that on the basis of a forged document this date of birth has been corrected has not been accepted. However, the disciplinary authority was not in agreement with the finding of the Inquiry Officer and a notice was given to the petitioner in the month of March, 1995 which has been replied by him on 23rd of March, 1995 and ultimately under the impugned order dated 29th July, 1995, the petitioner was ordered to be removed from the services.

3. It is true that Disciplinary Authority has all the powers to disagree with the finding of the Inquiry Officer but it is equally a legal obligation upon it that while giving the final order, it has to give reasons in support of that order. Where the Disciplinary Authority is confirming the report of the Inquiry Officer the insistence of reasons may not be there but where it disagrees with the report of the Inquiry officer, a reasoned order has to be passed, which has not been passed in the present case. This is a case where a cryptic order has been passed by the Disciplinary Authority in the matter where the petitioner has been ordered to be removed from the services.

4. Only on this short ground, this petition deserves to be allowed and accordingly the same is allowed. The order of the Disciplinary Authority dated 29th July, 1995 is quashed and set aside and the matter is remanded back to the said authority to decide the matter within three months from the date of receipt of writ of this order and to pass a reasoned detailed order. However, the setting aside of this order will not confer any monetary or service benefits whatsoever to the petitioner at this stage. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-